

Chamber
Copy

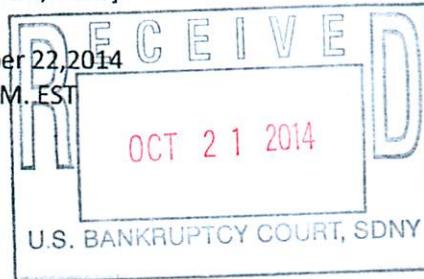
1 Karen M. Rozier
2 7957 Dahlia Circle
3 Buena Park, CA 90620
4 (714) 512-5740
5 Claimant Unrepresented

6

7 UNITED STATES BANKRUPTCY COURT
8 SOUTHERN DISTRICT OF NEW YORK

9

10 In re:) Case No. 12-12020 (MG)
11 Residential Capital, LLC, et. al.) Chapter 11
12) Jointly Administrated
13)
14 Debtors) **OBJECTION TO THE RESCAP BORROWER CLAIMS**
15) **TRUST'S REPLY IN SUPPORT OF ITS OBJECTION TO**
16) **PROOFS OF CLAIM FILED BY KAREN MICHELE**
17) **ROZIER (CLAIMS NOS. 4738 AND 5632) UNDER**
18) **RULE 9006-1**
19)
20) [Related to 7474-4, 7457]
21)
22) Hearing: October 22, 2014
23) Time: 10:00 A.M. EST
24)
25)
26)
27)
28)



19 COMES NOW the well represented Debtor replying to Claimant's opposition untimely and with
20 incomplete information clearly designed to mislead the court. In addition to other objections which may
21 be made at the time of the hearing, Claimant objects on the following grounds:

22 1. Violation of Rule 9006-1 Time for Service and Filing of Motions and Answering Papers –
23 Amended [August 1, 2013] Debtor did not serve Claimant until October 20, 2014 – less than 48-
24 hours before the October 22, 2014 hearing. Claimant served her answer timely on October 3,
25 2014 and Debtor was required to serve her with at least three-days advance notice of any Reply.
26 Debtor failed to do so and therefore, Debtor's answer should be stricken it its entirely.

1 2. Debtor was again less than candid with the Court. Debtor presents another one of Mr. Shaham's
2 declarations [Debtor's Exhibit 2] to the Court as though it is fact but fails to disclose that the
3 California court has taken this matter under submission. Claimant alleges that his October 3
4 declaration is another false and fraudulent declaration. A motion for sanctions against Mr.
5 Shaham is scheduled for December 24, 2014. [See Decl 4] He also fails to admit to the New York
6 Court that Claimant has until November 10, 2014 to rescue her appeal and that all documents
7 were sent to the California Appeals Court on October 6, 2014. [See Decl 5] The matter is under
8 submission and only due to U.S. Bank's backroom shenanigans and borderline illegal ex parte
9 pressure on the Superior Court Clerk if there any confusion in the matter whatsoever.

10
11 For those reasons as well as other reasons which may be raised during the hearing, Claimant requests
12 that the Court strike Debtor's untimely Reply in its entirety.

13
14 October 20, 2014

15
16 
17 KAREN MICHELE ROZIER,
18 Unrepresented Claimant

1 Karen M. Rozier
2 7957 Dahlia Circle
3 Buena Park, CA 90620
4 (714) 512-5740
5 Claimant Unrepresented

6

7 UNITED STATES BANKRUPTCY COURT
8 SOUTHERN DISTRICT OF NEW YORK

9
10 In re:
11) Case No. 12-12020 (MG)
12) Chapter 11
13) Jointly Administrated
14)
15) **DECLARATION OF KAREN MICHELE ROZIER IN**
16) **SUPPORT OF OBJECTION TO THE RESCAP**
17) **BORROWER CLAIMS TRUST'S REPLY IN SUPPORT**
18) **OF ITS OBJECTION TO PROOFS OF CLAIM FILED BY**
19) **KAREN MICHELE ROZIER (CLAIMS NOS. 4738 AND**
20) **5632) UNDER RULE 9006-1**
21)
22) [Related to 7474-4, 7457]
23)
24) Hearing: October 22, 2014
25) Time: 10:00 A.M. EST
26)
27)
28)

1 I am Karen Michele Rozier, the Claimant in the subject case for Proofs of Claim 4738 and 5632, over
2 the age of 18 and without benefit of counsel in this litigation. I have personal knowledge of the facts
3 herein, and, if called as a witness, could testify competently thereto. I am competent to submit this
4 declaration in support of my "**OBJECTION OF THE RESCAP BORROWER CLAIMS TRUST'S REPLY IN**
5 **SUPPORT OF ITS OBJECTION TO PROOFS OF CLAIM FILED BY KAREN MICHELE ROZIER (CLAIMS NOS.**
6 **4738 AND 5632)**" (the "**Objection**"¹).

7 2 I am an individual, not a lawyer or corporation, and without benefit of counsel. I have never
8 attended law school nor sat for admission to law school; nor have I taken the Law School Admission

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1 Defined terms used but not defined herein shall have the meanings ascribed to such terms in the Objection.

1 Test nor sat for any BAR exam. This is my first bankruptcy as an active Claimant. I am not being
2 assisted by others in the matter. Neither do I have a supporting staff.

3. I was expecting a Reply Brief no later than Friday October 16, 2014 in order to prepare for the
4 Wednesday October 22, 2014 hearing. I did not receive Debtor's Reply until less than 48-hours prior
5 to the hearing. Debtors did not provide me ample time to read and understand their Reply.
6. I have been prejudiced by their late filing.
7. Although I have not read everything, I did give it a cursory glance. I noticed right away that they
8 included the Declaration of Yaron Shaham dated October 3, 2014. As I type this declaration, I have
9 not read the meat of the Reply to understand how it is used. I have read enough to realize that the
10 Debtor failed to disclose to the New York Court that I also accused Mr. Shaham of perjury with this
11 declaration. A true and correct copy on my Motion for Sanctions is attached hereto as Exhibit 1.
12. I also noticed that Debtor failed to inform this court that the Court of Appeals has given me until
13 November 10, 2014 to correct appeals case G050520. In my opposition to their Motion to Dismiss, I
14 included a copy of the proposed Designated Record on Appeal. Also, all transcripts have either been
15 paid for or are in the negotiation process and will be settled long before the November 10, 2014
16 deadline. As the matter is still before the California Appeals Court, , Debtors are again being less
17 than candid with the federal court when they represent that any dismissal in California is final.
18. I have caused all parties to be timely served in accordance with the Exhibit A proof of service.
19

20 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true to the best of my
21 knowledge.
22

23 Executed in Buena Park, California on October 20, 2014 By
24

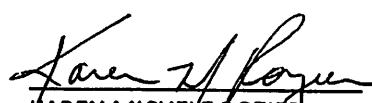
25 
26 KAREN MICHELE ROZIER,
27 Unrepresented Claimant
28

EXHIBIT 1

KAREN MICHELE ROZIER
7957 DAHLIA CIRCLE
BUENA PARK, CA 90620
(714) 512-5740
Propria Persona

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
10/08/2014 at 03:35:00 PM
Clerk of the Superior Court
By Fidel Ibarra, Deputy Clerk

IN THE SUPERIOR COURT OF CALIFORNIA
ORANGE COUNTY

KAREN MICHELE ROZIER, an Individual

Plaintiff,

vs.

BANK OF AMERICA, NATIONAL ASSOCIATION as successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAMP 2007RP1;
U.S. BANK NATIONAL ASSOCIATION, as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1;
JOHN DOES 18-50.

Defendants.

Case No. 30-2012 00601310-CU-OR-CJC

Assigned for all purposes to: Judge Fell

PLAINTIFF'S MOTIONS FOR SANCTIONS AGAINST MR. YARON SHAHAM OF SEVERSON AND WERSON, A PROFESSIONAL CORPORATION, COUNSEL FOR DEFENDANT U.S. BANK, N.A., as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF KAREN MICHELE ROZIER IN SUPPORT THEREOF; REQUEST FOR JUDICIAL NOTICE IN SUPPORT THEREOF

Dept: C22

Trial Date: Feb 2, 2015

Hearing Date: December 24, 2014

Reservation: 72039381

TO THE HONORABLE COURT, DEFENDANTS, AND ALL OTHER INTERESTED PARTIES:

1 Plaintiff Karen Michele Rozier hereby requests that the Court sanction Mr. Yaron Shaham for filing a
2 false declaration under penalty of perjury in the State of California. Plaintiff cites Business and Professions
3 Code 17,200 et. seq as well as California Penal Code 118 (a), and all other applicable codes named herein.

4 **I. THIS MOTION IS TIMELY FILED AS THE COURT HAS NOT YET RULED ON THE MOTION TO DISMISS HIS CLIENT**

5 The Court issued a Tentative in Defendant's U.S. Bank favor but then took the matter under submission. The
6 Court has not yet issued its final ruling. As such, Defendant is still a party to this action and the court retains
jurisdiction.

7 **II. DISCUSSION**

8 Mr. Shaham knowingly filed a false declaration in this matter stating that his client Defendant U.S. Bank was
9 no longer a party to this action on October 3 2014. [See RJD: Exhibit E] This statement was entirely false as
10 his client was still a party to this case. The Appeals Court vacated the dismissal of Case G050520 on
11 September 17, 2014. [See RJD: Exhibit A] His firm responded by filing a Motion to Dismiss the Appeal [See
12 RJD: Exhibit C] and a Motion for Judicial Notice. [See RJD: Exhibit D] Plaintiff-Appellant's response was not
due until October 6, 2014. Plaintiff-Appellant's timely filed her response. [See RJD: Exhibit B] The Appeals
13 Court Clerk in Santa Ana forwarded the information to the Appeals Court, and they have yet to rule on the
14 matter. Mr. Shaham's declaration was false and the sole declaration in support of his client's motion. [See
15 RJD: Exhibit F] As such, he had a duty to the Court as a court officer to ensure his statements were true but
they were not. In fact, the sole statement in his client's motion was a total lie and he swore to it.

16 **III. CONCLUSION**

1 The Court should grant Plaintiff's motion for sanctions in light of the evidence that Mr. Shaham knew or
2 should have known that his client was still a party to the action on October 3, 2014 when he filed his sworn
3 declaration stating otherwise. As he is an Officer of the Court, the Court should punish him in accordance
4 with the law.

5 October 8, 2014

6 Respectfully Submitted,

7 
KAREN MICHELE ROZIER, Plaintiff in Pro Per

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **California Penal Code Section 118 (a)**

10 118. (a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly
before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the
11 State of California be administered, willfully and contrary to the oath, states as true any material matter
which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under
12 penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is
permitted by law of the State of California under penalty of perjury and willfully states as true any material
13 matter which he or she knows to be false, is guilty of perjury.

14 **28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury**

15 Wherever, under any law of the United States or under any rule, regulation, order, or requirement made
pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by
the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making

1 the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified
2 official other than a notary public), such matter may, with like force and effect, be supported, evidenced,
3 established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such
4 person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the
following form:

5 (1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury
6 under the laws of the United States of America that the foregoing is true and correct. Executed on
7 (date). (Signature)".

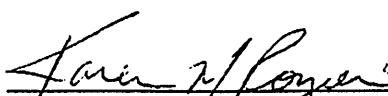
8 (2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or
certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on
9 (date). (Signature)".

10
11 **18 U.S. Code § 1621 - Perjury generally**

12 Whoever— (2) in any declaration, certificate, verification, or statement under penalty of perjury as
permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material
13 matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly
provided by law, be fined under this title or imprisoned not more than five years, or both. This section is
14 applicable whether the statement or subscription is made within or without the United States.

15 October 8, 2014

16 By


17 KAREN MICHELE ROZIER, Plaintiff in Pro Per

KAREN MICHELE ROZIER
7957 DAHLIA CIRCLE
BUENA PARK, CA 90620
(714) 512-5740
Propria Persona

IN THE SUPERIOR COURT OF CALIFORNIA
ORANGE COUNTY

KAREN MICHELE ROZIER, an Individual

Plaintiff,

vs.

BANK OF AMERICA, NATIONAL ASSOCIATION as successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAMP 2007RP1;

U.S. BANK NATIONAL ASSOCIATION, as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1;

JOHN DOES 18-50.

Defendants.

Case No. 30-2012 00601310-CU-OR-CJC

Assigned for all purposes to: Judge Fell

DECLARATION OF KAREN MICHELE ROZIER IN SUPPORT OF PLAINTIFF'S MOTIONS FOR SANCTIONS AGAINST MR. YARON SHAHAM OF SEVERSON AND WERSON, A PROFESSIONAL CORPORATION, COUNSEL FOR DEFENDANT U.S. BANK, N.A., as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1

Dept: C22

Trial Date: Feb 2, 2015

Hearing Date: December 24, 2014

Reservation: 72039381

1. I, Karen Michele Rozier, am the Plaintiff in the subject case. I am without benefit of private counsel. I have personal knowledge of each fact stated in this declaration. If

called upon as a witness, I could and would competently testify to the facts set forth herein.

2. - I reviewed Defendant' 2nd Supplemental in support of its opposition to my motion to vacate the July 2, 2014 Ex Parte ruling and the Declaration of Yaron Shaham in Support Thereof. They both contain one materially false statement.

3. There is only one statement in the motion and it is a total lie. As of October 3, 2014 Defendant U.S. Bank was still a party to the action. Mr. Shaham swore to a lie with the intent to gain an unfair advantage for his client.

4. I am submitting this information to the District Attorney as well..I have included them on distribution and had his office served with a copy.

5. The Proof of Service is attached hereto as EXHIBIT (A).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Buena Park, California on October 8, 2014.

By:

Karen M. Flory

Karen Michele Rozier

Case 30-2012 00601310

Page __ of __

Exhibit A

EXHIBIT A

PROOF OF SERVICE

CCP 1013A(3) Revised 5/1/88

Rozier vs. Bank of America (30 2012 00601310-CU-OR-CJC)

I am a resident of the State of California. I am over the age of 18 and not a party to the within action. My business address is 7957 Dahlia Circle, Buena Park, CA 90620.

- PLAINTIFF'S MOTIONS FOR SANCTIONS AGAINST MR. YARON SHAHAM OF SEVERSON AND WERSON, A PROFESSIONAL CORPORATION, COUNSEL FOR DEFENDANT U.S. BANK, N.A., AS SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RAAC 2007RP1
- DECLARATION OF KAREN MICHELE ROZIER IN SUPPORT THEREOF
- REQUEST FOR JUDICIAL NOTICE IN SUPPORT THEREOF

On all interest parties in this action by eservice as follows:

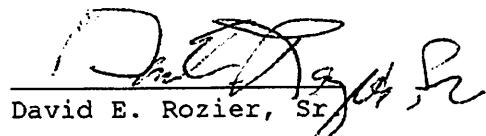
Mr. Yaron Shaham, Severson and Werson, APC for U.S. Bank
ys@severson.com

Mr. Kerry Franich, Severson and Werson, APC for U.S. Bank
kwf@severson.com

Mr. Trevor Allen, BRYAN CAVE, LLP for Defendant Bank of America
trevor.allen@BryanCave.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 8, 2014



David E. Rozier, Sr.

KAREN MICHELE ROZIER
7957 DAHLIA CIRCLE
BUENA PARK, CA 90620
(714) 512-5740
Propria Persona

IN THE SUPERIOR COURT OF CALIFORNIA
ORANGE COUNTY

KAREN MICHELE ROZIER, an Individual

Plaintiff,

vs.

BANK OF AMERICA, NATIONAL ASSOCIATION as successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAMP 2007RP1;

U.S. BANK NATIONAL ASSOCIATION, as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1;

JOHN DOES 18-50.

Defendants.

Case No. 30-2012 00601310-CU-OR-CJC

Assigned for all purposes to: Judge Fell

PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S MOTIONS FOR SANCTIONS AGAINST MR. YARON SHAHAM OF SEVERSON AND WERSON, A PROFESSIONAL CORPORATION, COUNSEL FOR DEFENDANT U.S. BANK, N.A., as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1

Dept: C22

Trial Date: Feb 2, 2015

Hearing Date: December 24, 2014

1 Karen Michele Rozier moves the Court to take judicial notice of the documents below in support of her
2 PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF'S MOTIONS FOR SANCTIONS AGAINST
3 MR. YARON SHAHAM OF SEVERSON AND WERSON, A PROFESSIONAL CORPORATION, COUNSEL FOR
4 DEFENDANT U.S. BANK, N.A. , as successor in interest to BANK OF AMERICA, NATIONAL ASSOCIATION as
5 Trustee, successor by merger to LASALLE BANK NATIONAL ASSOCIATION as Trustee for RAAC 2007RP1.

6 Judicial Notice is a rule in the law of evidence that allows a fact to be introduced into evidence if the truth of
7 that fact is so notorious or well known, or so authoritatively attested, that it cannot reasonably be doubted.

8 Plaintiff has noted those items where she is asking notice of the existence of the documents versus the
9 validity of the contents within.

10 **Section 1. Documents generated by the Court – These documents were generated by the Court so the truth**
11 **of the facts cannot be reasonably doubted.**

12 1. EXHIBIT A: APPEALS COURT ORDER VACATING DISMISSAL dated September 17, 2014
13 2. EXHIBIT B: Appellate Docket: case G050520 dated October 5, 2014

14 **Section 2. Documents created by the Opposition – Plaintiff is only asking the court to take judicial notice that**
15 **the Defendant or its attorneys filed these documents. Plaintiff disputes the veracity of the contents in each**
16 **and every document. Defendant cannot deny the validity of the contents of these documents.**

17 3. EXHIBIT C: RESPONDENT'S MOTION TO DISMISS
18 4. EXHIBIT D: RESPONDENT'S MOTION FOR JUDICIAL NOTICE
19 5. EXHIBIT E: DECLARATION OF YARON SHAHAM executed on October 3, 2014

6. EXHIBIT F: DEFENDANT'S SECOND SUPPLEMENTAL OPPOSITION TO PLAINTIFF'S MOTION TO VACATE AND SET ASIDE THE JULY 2, 2014 ORDER GRANTING U.S. BANK'S EX PARTE APPLICATION TO MODIFY THE COURT'S FEBRUARY 5, 2013 ORDER OF PRELIMINARY INJUNCTION; DECLARATION OF YARON SHAHAM IN SUPPORT THEREOF

The six documents above are relevant to this proceeding because they demonstrate Mr. Shaham knew that U.S. Bank was still a party to the case when he submitted his declaration under penalty of perjury. For these reasons, Plaintiff respectfully request that the Court take judicial notice of these six documents. A proposed order granting Appellant's Request for Judicial Notice is attached.

October 2014 By

Karen Michele Rozier
KAREN MICHELE ROZIER, Plaintiff in Pro Per

Case 30-2012 00601310

Page __ of __

Exhibit A

APPEALS COURT ORDER VACATING DISMISSAL

EXHIBIT A

COURT OF APPEAL - STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

KAREN MICHELE ROZIER,
Plaintiff and Appellant,

COURT OF APPEAL-4TH DIST DIV 3
FILED

v.

SEP 17 2014

U.S. BANK NATIONAL ASSOCIATION,
Defendant and Respondent.

Deputy Clerk

G050520
Orange County No. 30-2012-00601310

Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is GRANTED. The order of dismissal is VACATED and the appeal is REINSTATED.

The civil case information statement attached to the motion filed September 15, 2014, is DEEMED filed.

The Orange County Superior Court, Appellate Division is directed to proceed with the preparation of the record on appeal.

O'Leary, P.J.

Presiding Justice

cc: See attached list

 COPY

Case 30-2012 00601310

Page __ of __

Exhibit B

Appellate Docket: case G050520

EXHIBIT B

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOR THE FOURTH APPELLATE DISTRICT
DIVISION 3

KAREN MICHELE ROZIER,
Plaintiff and Appellant,

v.

U.S. BANK NATIONAL ASSOCIATION,
Defendant and Respondent.

CASE NUMBER:	G050520
NOA/PET DATE:	07/02/2014
STATUS:	active
PRIORITY:	std
CAUSE:	Appeal
CASE TYPE:	Civil
DISPO DATE:	
FINAL DISP:	
ORIGIN:	Superior
CATEGORY:	civo Civil complaints - other
RELATED CASES:	G050127

TRIAL COURT INFORMATION

Case No:	30-2012-00601310
County:	Orange
Court:	Orange County Superior Court - Main
Judge:	Fell, Sheila
Jud. Date:	2014-04-30 00:00:00.0

ATTORNEY - PARTY

In propria persona

Plaintiff and Appellant
Karen Michele Rozier
7957 Dahlia Circle
Buena Park, CA 90620

//

Robert James Gandy (Bar No. 00225405)
Severson & Werson, APC
19100 Von Karman Ave, Ste 700
Irvine, CA 92612

Defendant and Respondent
U.S. Bank National Association

John Brendan Sullivan (Bar No. 00096742)
Severson, Werson
1 Embarcadero Ctr, Ste 2600
San Francisco, CA 94111

Defendant and Respondent
U.S. Bank National Association

DOCKET ENTRIES

08/04/2014
Notice of appeal lodged/received.
Appellant Karen Michele Rozier

08/15/2014
Default letter sent; no case information statement filed.

09/05/2014
Appeal dismissed - case information statement not filed.
Appellant failed to file a Civil Case Information Statement pursuant to California Rules of Court, rule 8.100(g), after notice that appellant was in default. Accordingly, the appeal is DISMISSED. Appellant is advised that this dismissal will become final as to this court 30 days after the date of this order, at which time this court will lose the power to vacate, reconsider or modify it. (See Cal. Rules of Court, rule 8.264(b)(1).) A motion to vacate dismissal requires a showing of good cause. To allow the court sufficient time to review and evaluate the showing of good cause, a motion to vacate dismissal should be filed well before the 30-day jurisdictional deadline.

09/15/2014
Motion for relief from default filed.
by aplt (ccis attached as part of the mtn)

09/15/2014
To court.
aplt's mtn to be relieved from default, vacate the dismissal and reinstate the appeal - ccis attached

as part of the motion

09/17/2014

Order filed.

Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is GRANTED. The order of dismissal is VACATED and the appeal is REINSTATED. The civil case information statement attached to the motion filed September 15, 2014, is DEEMED filed. The Orange County Superior Court, Appellate Division is directed to proceed with the preparation of the record on appeal.

09/17/2014

Civil case information statement filed.

09/19/2014

Motion to dismiss filed (after record).
by respondent

09/19/2014

Request for judicial notice filed.
by respondent in support of motion to dismiss.

09/23/2014

Received copy of:
ntc of failure to comply with default ntc.

09/24/2014

Order filed.

The court, on its own motion, hereby grants relief to appellant for failure to comply with Orange County Superior Court, Appellate Division's notice of default issued on September 3, 2014.

Appellant is in default for failure to clearly specify which form of the oral record on appeal she intends to elect, pursuant to California Rules of Court, rule 8.121(a) (1) (C), and for failure to deposit funds and/or substitute to cover each hearing date requested in her designation of record on appeal as required by California Rules of Court, rule 8.130(b) and 8.130(c).

Appellant has 15 days from the date of this order to comply with the above defaults. Failure to comply may result in dismissal.

10/06/2014

Opposition filed.
by aplt to respondent's mtn to dismiss.

10/06/2014

Request for judicial notice filed.
by aplt in support of opposition to respondent's motion to dismiss.

10/06/2014

To court.

13

resp mtn to dismiss & request for judicial ntc, aplt's oppo to mtn to dismiss & request for judicial ntc.

CASE DISPOSITION / JUDGES PANEL INFORMATION

Disposition: Appeal dismissed - case information statement not filed
Date: 09/05/2014
Status: Vacated
Opinion Type:
Citation:

No notes

No case opinion vote

COURT REPORTER INFORMATION

No court reporters

END OF DOCKET SHEET

Case 30-2012 00601310

Page __ of __

Exhibit C

RESPONDENT'S MOTION TO DISMISS

EXHIBIT C

No. G050520
Related to No. G050127

Court of Appeal
OF THE
State of California
Fourth Appellate District, Division Three

KAREN MICHELE ROZIER

Plaintiff and Appellant.

vs.

U.S. BANK NATIONAL ASSOCIATION

Defendant and Respondent,

Respondent's Motion to Dismiss

Appeal from a Judgment
of the Orange County Superior Court
(No. 30-2012-00601310-CU-OR-CJC)

Honorable Sheila B. Fell, Judge

Jan T. Chilton (State Bar No. 47582)
*Kerry W. Franich (State Bar No. 245857)
SEVERSON & WERSON
A Professional Corporation
19100 Von Karman Avenue, Suite 700
Irvine, California 92612
Telephone: (949) 442-7110
Facsimile: (949) 442-7118

Attorneys for Defendant and Respondent
U.S. Bank N.A., as Trustee

Defendant and respondent U.S. Bank N.A. hereby moves for an order dismissing this appeal on the ground it is identical to, and duplicative of, another appeal in this Court—No. G050127.

Two appeals by the same party that seek review of the same judgment are duplicative, unnecessary and wasteful. If no question is raised regarding the validity of the first appeal, the second should be dismissed. (*Swortfiguer v. White* (1901) 6 Cal.Unrep. 778, 779.)

There are innumerable questions about the *merit* of Rozier's earlier appeal—No. G050127—but none regarding its validity. She perfected an appeal of a judgment entered after the trial court granted defendant's motion for summary judgment. (MJN, Ex. 1.) She filed the notice of appeal before the trial court formally entered judgment, but that has no impact on that appeal's validity. (Cal. Rules of Court, rule 8.104(e)(1).)

Rozier's appeal here seeks review of the identical judgment of which she sought review earlier. (MJN, Ex. 2.) Since Rozier already perfected a valid appeal of the same judgment in No. G050127, her new appeal in No. G050520 should be dismissed. (*Swortfiguer v. White, supra*, 6 Cal.Unrep. at p. 779.)

Moreover, the appeal should be dismissed as back door attempt to evade the dismissal of her earlier appeal. On July 30, 2014 this Court dismissed Rozier's earlier appeal because she failed to deposit funds, or a substitution for funds, in a timely manner for preparation of the record on appeal. (MJN, Ex. 3.) The dismissal is now final because more than 30 days have passed since it issued. (Cal. Rules of Court, rule 8.264(b)(1).)

The effect of the prior dismissal is an affirmation of the judgment such that no second appeal from the same judgment can be maintained. (*Linn v. Weintraub* (1948) 85 Cal.App.2d 109, 110; Code Civ. Proc., § 913.)

For these reasons, the motion to dismiss should be granted.

DATED: September 18, 2014 SEVERSON & WERSON
A Professional Corporation

By:



KERRY W. FRANICH
Attorneys for Defendant and
Respondent U.S. Bank, N.A. as
trustee.

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is The Atrium, 19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

On September 18, 2014, I served true copies of the following document(s): **RESPONDENT'S MOTION TO DISMISS** on the interested parties in this action as follows:

Karen Michele Rozier :
7957 Dahlia Circle
Buena Park, CA 90620

Plaintiff and Appellant in Pro Per

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 18, 2014, at Irvine, California.


RYAN J. BROOKS

Case 30-2012 00601310

Page __ of __

Exhibit D

RESPONDENT'S MOTION FOR JUDICIAL NOTICE

EXHIBIT D

No. G050520
Related to No. G050127

Court of Appeal
OF THE
State of California
Fourth Appellate District, Division Three

KAREN MICHELE ROZIER

Plaintiff and Appellant,

vs.

U.S. BANK NATIONAL ASSOCIATION

Defendant and Respondent,

Motion for Judicial Notice

Appeal from a Judgment
of the Orange County Superior Court
(No. 30-2012-00601310-CU-OR-CJC)

Honorable Sheila B. Fell, Judge

Jan T. Chilton (State Bar No. 47582)
*Kerry W. Franich (State Bar No. 245857)
SEVERSON & WERSON
A Professional Corporation
19100 Von Karman Avenue, Suite 700
Irvine, California 92612
Telephone: (949) 442-7110
Facsimile: (949) 442-7118

Attorneys for Defendant and Respondent
U.S. Bank N.A., as Trustee

Pursuant to California Rules of Court, rule 8.252(a) and Evidence Code sections 452 and 459, defendant and respondent U.S. Bank N.A., as trustee, moves the Court to take judicial notice of the following documents in support of its motion to dismiss this appeal.

1. Notice of appeal filed in the Orange County Superior Court on May 12, 2014 in case number No. 30-2012-00601310-CU-OR-CJC, and assigned case number G050127 by this Court. A true and correct copy of the notice of appeal is attached as Exhibit A.

2. Notice of appeal filed in the Orange County Superior Court on July 2, 2014 in case number No. 30-2012-00601310-CU-OR-CJC, and assigned case number G050520 by this Court. A true and correct copy of the notice of appeal is attached as Exhibit B.

3. Dismissal of appeal filed on July 30, 2014 in case number G050127. A true and correct copy of the dismissal order is attached as Exhibit C.

The three court documents above are relevant to this appeal because they demonstrate that this appeal is duplicative of an identical appeal Rozier pursued from the same judgment.

These documents were not presented to or judicially-noticed by the trial court. All three relate to proceedings that occurred after the order or judgment that is the subject of this appeal.

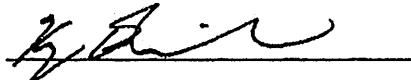
Judicial notice is properly taken of these documents under Evidence Code section 452(c), (d) and (h). The documents are records of the Orange County Superior Court and this Court. That these documents were filed is a fact that is not reasonably subject to dispute and is capable of immediate and accurate determination by resort to sources of reasonably indisputable

accuracy. (*Jocer Enterprises, Inc. v. Price* (2010) 183 Cal.App.4th 559, 563-564 n. 2 (approving judicial notice of court records in related proceeding).)

For these reasons, defendant respectfully requests that the Court take judicial notice of these three court documents. A proposed order granting this motion is attached.

DATED: September 18, 2014 SEVERSON & WERSON
A Professional Corporation

By:



KERRY W. FRANICH
Attorneys for Defendant and
Respondent U.S. Bank, N.A. as
trustee.

EXHIBIT “A”

APP-002

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Karen Michele Rozier 7957 Dahlia Circle Buena Park, CA 90620		FOR COURT USE ONLY
TELEPHONE NO.: (410) 458-3772 FAX NO. (000000)		ELECTRONICALLY FILED Superior Court of California, County of Orange
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		05/12/2014 at 08:00:00 AM Clerk of the Superior Court By Giovanni Galon, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS:		
CITY AND ZIP CODE: SANTA ANA 92701 BRANCH NAME: CENTRAL JUSTICE CENTER		
PLAINTIFF/PETITIONER: Karen Michele Rozier		
DEFENDANT/RESPONDENT: U.S. BANK NATIONAL ASSOCIATION		
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)		CASE NUMBER 30-2012-00601310-CU-OR-CJC
Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.		

1. NOTICE IS HEREBY GIVEN that (name): **Karen Michele Rozier**
appeals from the following judgment or order in this case, which was entered on (date): **April 30, 2014**

Judgment after jury trial
 Judgment after court trial
 Default judgment
 Judgment after an order granting a summary judgment motion
 Judgment of dismissal under Code of Civil Procedure sections 581d, 583.280, 583.360, or 583.430
 Judgment of dismissal after an order sustaining a demurrer
 An order after judgment under Code of Civil Procedure section 904.1(a)(2)
 An order or judgment under Code of Civil Procedure section 904.1(a)(3)-(13)
 Other (describe and specify code section that authorizes this appeal):

2. For cross-appeals only:
a. Date notice of appeal was filed in original appeal:
b. Date superior court clerk mailed notice of original appeal:
c. Court of Appeal case number (if known):

Date: May 10, 2014

Karen Michele Rozier

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

APP-002

CASE NAME: Rozier vs. U.S. BANK NATIONAL ASSOCIATION, as Trustee	CASE NUMBER: 30-2012-00601310-CU-OR-CJC
--	---

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

PROOF OF SERVICE

Mail Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My residence or business address is (specify):

7957 Dahlia Circle Buena Park, CA 90620

3. I mailed or personally delivered a copy of the Notice of Appeal/Cross-Appeal (Unlimited Civil Case) as follows (complete either a or b):

a. Mail. I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

(a) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(b) placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served: Yaron Shaham

(b) Address on envelope:

Severson and Werson, APC 19100 Von Karman Avenue #700 Irvine, CA 92612

(c) Date of mailing: May 10, 2014

(d) Place of mailing (city and state): Buena Park, CA

b. Personal delivery. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 10, 2014

David E. Rozier, Sr.

(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)

EXHIBIT "B"

APP-002

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Karen Michele Rozier 7957 Dahlia Circle Buena Park, CA 90620		FOR COURT USE ONLY
TELEPHONE NO.: (4100) 458-3772 FAX NO. (Address): E-MAIL ADDRESS (Address): ATTORNEY FOR (name): In Pro Per		ELECTRONICALLY FILED Superior Court of California, County of Orange 07/02/2014 at 08:42:00 PM Clerk of the Superior Court By Giovanni Galon, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana 92701 BRANCH NAME: CENTRAL JUSTICE CENTER		CASE NUMBER:
PLAINTIFF/PETITIONER: Karen Michele Rozier		30-2012 00601310-CU-OR-CJC
DEFENDANT/RESPONDENT: U.S BANK National Association, as Trustee		
<input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL (UNLIMITED CIVIL CASE)		

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

1. NOTICE IS HEREBY GIVEN that (name): **Karen Michele Rozier**
appeals from the following judgment or order in this case, which was entered on (date): **April 30, 2014**

Judgment after jury trial
 Judgment after court trial
 Default judgment
 Judgment after an order granting a summary judgment motion
 Judgment of dismissal under Code of Civil Procedure sections 581d, 583.250, 583.380, or 583.430
 Judgment of dismissal after an order sustaining a demurrer
 An order after judgment under Code of Civil Procedure section 904.1(e)(2)
 An order or judgment under Code of Civil Procedure section 904.1(e)(3)-(13)
 Other (describe and specify code section that authorizes this appeal):

Rule 8.155 (a). Motion to augment the record in support of preserving the status quo pending appeal.

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

Date: July 1, 2014

Karen Michele Rozier
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

APP-002

CASE NAME: Rozier vs. U.S. Bank N.A. as Trustee RAAC 2007RPI/ LaSalle Bank	CASE NUMBER: 30-2012 00601310-CU-OR-CJC
NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.	

PROOF OF SERVICE

Mail Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is (specify):
7957 Dahlia Circle Buena Park, CA 90620
3. I mailed or personally delivered a copy of the Notice of Appeal/Cross-Appeal (Unlimited Civil Case) as follows (complete either a or b):
 - a. Mail. I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope and
 - (a) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (b) placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served: John B Sullivan
 - (b) Address on envelope:
Severson and Werson, One Embarcadero Center, Suite 2600 San Francisco, CA 94111
 - (c) Date of mailing: July 2, 2014
 - (d) Place of mailing (city and state): Buena Park, CA
 - b. Personal delivery. I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) Address where delivered:
 - (3) Date delivered:
 - (4) Time delivered:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 2, 2014

David E. Rozier, Sr.

(TYPE OR PRINT NAME)

(SIGNATURE OR DECLARATION)

EXHIBIT "C"

COURT OF APPEAL - STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

KAREN MICHELE ROZIER,
Plaintiff and Appellant,

COURT OF APPEAL-4TH DIST DIV 3
FILED

JUL 30 2014

v.

Deputy Clerk _____

U.S. BANK NATIONAL ASSOCIATION,
Defendant and Respondent.

G050127
Orange County No. 30-2012-00601310

Pursuant to California Rules of Court, rule 8.140(b)(1), the appeal filed May 12, 2014, is DISMISSED for appellant's failure to deposit funds or a substitution for funds in a timely manner for preparation of the record on appeal.

Appellant is advised that this dismissal will become final as to this court 30 days after the date of this order, at which time this court will lose the power to vacate, reconsider or modify it. (See Cal. Rules of Court, rule 8.264(b)(1).)

O'Leary, P.J.
Presiding Justice

cc: See attached list

COPY

Case 30-2012 00601310

Page __ of __

Exhibit E

DECLARATION OF YARON SHAHAM

EXHIBIT E

DECLARATION OF YARON SHAHAM

I, Yaron Shaham, declare as follows:

1. I am an attorney duly admitted to practice law in the State of California and before this Court. I am one of the attorneys representing Defendant U.S. Bank National Association, as Trustee, as successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for RAAC 2007RP1 ("U.S. Bank" or "Defendant") in this action. I have personal knowledge of the matters set forth herein and, if called to testify as a witness thereto, I could and would do so competently.

2. I submit this declaration in support of U.S. Bank's second supplemental opposition to Plaintiff Karen Rozier's ("Plaintiff") motion to vacate and set aside the Court's July 2, 2014 order which modified the Court's February 5, 2013 preliminary injunction order (the "Motion").

3. On May 12, 2014, Plaintiff noticed an appeal of the “Judgment after an order granting a summary judgment motion.” A true and correct copy of the Court’s Notification of Filing Notice of Appeal is attached hereto and incorporated herein as Exhibit G. Her appeal was provided case number G050127 before the California Court of Appeal, 4th District Court of Appeal, Division 3 (the “First Appeal”). This appeal refers to the Court’s order granting U.S. Bank’s Motion for Summary Judgment.

4. Plaintiff's First Appeal was dismissed on July 30, 2014. A true and correct copy of the Court of Appeals' docket for the First Appeal is attached hereto and incorporated herein as Exhibit H. Furthermore, the Court of Appeals issued its Remittitur on the First Appeal on October 1, 2014. A true and correct copy of the Court of Appeals' Remittitur is attached hereto and incorporated herein as Exhibit I.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd day of October, 2014, in Irvine, California.


Yaron Shaham

Case 30-2012 00601310

Page __ of __

Exhibit F

DEFENDANT'S SECOND SUPPLEMENTAL OPPOSITION

EXHIBIT F

1 ROBERT J. GANDY (State Bar No. 225405)

rjg@severson.com

2 YARON SHAHAM (State Bar No. 217192)

ys@severson.com

3 SEVERSON & WERSON

A Professional Corporation

4 The Atrium

19100 Von Karman Avenue, Suite 700

5 Irvine, California 92612

Telephone: (949) 442-7110

6 Facsimile: (949) 442-7118

7 JOHN B. SULLIVAN (State Bar No. 96742)

SEVERSON & WERSON

8 A Professional Corporation

One Embarcadero Center, Suite 2600

9 San Francisco, California 94111

Telephone: (415) 398-3344

10 Facsimile: (415) 956-0439

11 Attorneys for Defendant

12 U.S. BANK NATIONAL ASSOCIATION, as Trustee, as successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for RAAC 2007RP1

13

SUPERIOR COURT OF CALIFORNIA

14

COUNTY OF ORANGE — CENTRAL JUSTICE CENTER

15

Karen Michele Rozier, an Individual,

16

Plaintiff,

17

vs.

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Bank of America, National Association as successor by merger to LaSalle Bank National Association as Trustee RAMP 2007RP1 aka Bank of America, National Association as successor by merger to LaSalle Bank National Association as Trustee RAAC 2007RP1; U.S. Bank National Association as successor in interest to Bank of America National Association as Trustee, successor by merger to LaSalle Bank National Association as Trustee for RAAC 2007RP1; Residential Funding Company, LLC fka Residential Funding Company, Attorney-In-Fact; JOHN DOES 18-50,

26

Defendants.

27

28

Case No. 30-2012-00601310-CU-OR-CJC

Assigned for All Purposes to:

Hon. Sheila B. Fell

Dept. C22

DEFENDANT'S SECOND
SUPPLEMENTAL OPPOSITION TO
PLAINTIFF'S MOTION TO VACATE
AND SET ASIDE THE JULY 2, 2014
ORDER GRANTING U.S. BANK'S EX
PARTE APPLICATION TO MODIFY
THE COURT'S FEBRUARY 5, 2013
ORDER OF PRELIMINARY
INJUNCTION; DECLARATION IN
SUPPORT THEREOF

Date: October 8, 2014

Time: 10:00 a.m.

Dept.: C22

1 TO THE HONORABLE COURT, PLAINTIFF, AND ALL OTHER INTERESTED
2 PARTIES:

3 Defendant U.S. Bank National Association, as Trustee, as successor in interest to Bank of
4 America, National Association, as Trustee, successor by merger to LaSalle Bank National
5 Association, as Trustee for RAAC 2007RP1 (“U.S. Bank” or “Defendant”) hereby further
6 supplements its opposition to Plaintiff Karen Rozier’s (“Plaintiff”) motion to vacate and set aside
7 the Court’s July 2, 2014 order which modified the Court’s February 5, 2013 preliminary
8 injunction order (the “Motion”), as follows.

T.

10 THE COURT OF APPEALS HAS OFFICIALLY DISMISSED PLAINTIFF'S APPEAL OF
11 THE COURT'S ORDER GRANTING U.S. BANK'S MOTION FOR SUMMARY
12 JUDGMENT

13 On May 12, 2014, Plaintiff noticed an appeal of the “Judgment after an order granting a
14 summary judgment motion.” A true and correct copy of the Court’s Notification of Filing Notice
15 of Appeal is attached hereto and incorporated herein as Exhibit G. Her appeal was provided case
16 number G050127 before the California Court of Appeal, 4th District Court of Appeal, Division 3
17 (the “First Appeal”). This appeal refers to the Court’s order granting U.S. Bank’s Motion for
18 Summary Judgment.

19 Plaintiff's First Appeal was dismissed on July 30, 2014. A true and correct copy of the
20 Court of Appeals' docket for the First Appeal is attached hereto and incorporated herein as Exhibit
21 H. Furthermore, the Court of Appeals issued its Remittitur on the First Appeal on October 1,
22 2014. A true and correct copy of the Court of Appeals' Remittitur is attached hereto and
23 incorporated herein as Exhibit I.

24 Based thereon, Plaintiffs efforts to try to appeal the Court's order granting U.S. Bank's
25 motion for summary judgment is now officially over. U.S. Bank is no longer a party to this
26 lawsuit, and Plaintiff can no longer support any reason why the Court's February 5, 2013
27 preliminary injunction order should pertain to U.S. Bank.

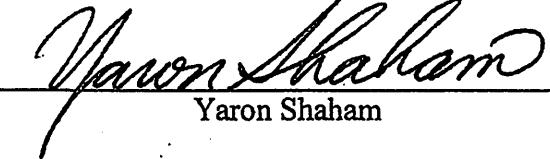
1
2 II.
3

4 CONCLUSION
5

6 U.S. Bank respectfully requests the Court deny Plaintiff's Motion, with prejudice.
7

8 DATED: October 3, 2014
9

SEVERSON & WERSON
A Professional Corporation
10

11 By: 
12

13 Yaron Shaham
14

15 Attorneys for Defendant
16 U.S. BANK NATIONAL ASSOCIATION, as Trustee,
17 as successor in interest to Bank of America, National
18 Association, as Trustee, successor by merger to LaSalle
19 Bank National Association, as Trustee for RAAC
20 2007RP1
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EXHIBIT A

EXHIBIT A

PROOF OF SERVICE

Case 12-12020 (MG) In re Residential Capital, LLC

I am a resident of the State of California. I am over the age of 18 and not a party to the within action. My business address is 7957 Dahlia Circle, Buena Park, CA 90620.

On October 20, 2014 I served the following documents:

- **OBJECTION TO THE RESCAP BORROWER CLAIMS TRUST'S REPLY IN SUPPORT OF ITS OBJECTION TO PROOFS OF CLAIM FILED BY KAREN MICHELE ROZIER (CLAIMS NOS. 4738 AND 5632) UNDER RULE 9006-1**
- **DECLARATION OF KAREN MICHELE ROZIER IN SUPPORT OF OBJECTION TO THE RESCAP BORROWER CLAIMS TRUST'S REPLY IN SUPPORT OF ITS OBJECTION TO PROOFS OF CLAIM FILED BY KAREN MICHELE ROZIER (CLAIMS NOS. 4738 AND 5632) UNDER RULE 9006-1**

On all interested parties via **Federal Express** to the address provided below:

Chambers of the Honorable Martin Glenn
United States Bankruptcy Court for the Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, New York 10004-1408

Sent via electronic service to the email addresses listed with the Court:

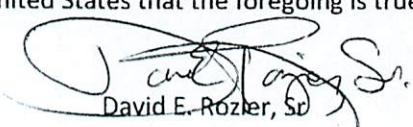
Counsel to the ResCap Borrower Claims Trust
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
(Attention: Norman S. Rosenbaum, Jordan A. Wishnew and Meryl L. Rothchild)
nrosenbaum@mofo.com
jwishnew@mofo.com
mrothchild@mofo.com

Office of the United States Trustee for the Southern District of New York
U.S. Federal Building
201 Varick Street
Suite 1006
New York, New York 10004
(Attn: Linda A. Riffkin and Brian S. Masumoto)
Linda.Riffkin@usdoj.gov
Brian.Masumoto@usdoj.gov

The ResCap Liquidating Trust
Quest Turnaround Advisors
800 Westchester Avenue
Suite S-520
Rye Brook, NY 10573
(Attention: Jeffrey Brodsky)
jbrodsky@qtadvisors.com

I declare under penalty of perjury under the laws of these United States that the foregoing is true and correct.

Executed on October , 2014



David E. Rozier, Sr.